

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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In re:	:	In Chapter 13
	:	
MELVIN CHAPPELL JR., AND	:	Bankruptcy No. 16-17021
CHARLENE GRACE-CHAPPELL	:	
	:	
Debtor.	:	
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	:	
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**PHILADELPHIA GAS WORKS’ OBJECTION TO DEBTORS’ FIFTH AMENDED
CHAPTER 13 PLAN DATED JUNE 21, 2018**

Philadelphia Gas Works (hereinafter “PGW”) hereby files its Objection to the confirmation of the Debtors’ Fifth Amended Chapter 13 Plan dated June 21, 2018. PGW is a secured creditor. The Municipal Liens were filed by the City of Philadelphia on behalf of the Philadelphia Gas Works for gas service to the property 5011 Saul Street, Philadelphia, PA (the “Property”) pursuant to 53 Pa. C.S.A. §7101 et seq. These liens are statutory liens. PGW filed a Proof of Claim on March 23, 2018 for the amount claimed \$7047.16 (\$6398.43 is the secured claim amount).

PGW avers the following in its objection thereto:

1. On October 3, 2016, the Debtors commenced their bankruptcy proceeding in Chapter 13.
2. On June 21, 2018 the Debtors filed a Fifth Amended Chapter 13 Plan.
3. PGW objects to Debtor’s statement and mischaracterization of the Philadelphia Gas Works Responsibility Program (“CRP”) Agreement as described in Part 9 (H) in Debtor’s Fifth Amended Plan.

4. The present CRP Agreement between debtor and PGW has a start date of September 5, 2017.
5. PGW filed a Proof of Claim on March 23, 2018 for the prepetition amount of \$7047.16 (\$6398.43 is the secured amount).
6. PGW's Proof of Claim was not objected to by the Debtor and deemed admitted.
7. There are four statutory liens held by the City of Philadelphia (PGW) filed against Debtors:

Municipal lien docket number 140732722 filed on July 22, 2014 for the amount of \$26.21;

Municipal lien docket number 15023115 filed on February 21, 2015 for the amount of \$972.77;

Municipal lien docket number 160430630 filed on April 16, 2016 for the amount of \$4,472.36; and

Municipal lien docket number 160631730 filed on June 28, 2016 for the amount of \$927.09.

These liens are statutory municipal liens filed against the property 5011 Saul Street (the "Property").

8. Since the present CRP Agreement concerns only with post-petition debt and debtor is paying PGW directly pursuant to the CRP Agreement, PGW requests that the Plan be amended and that Part 9 (H) language in its entirety be removed from the Plan.
9. The present CRP Agreement does not deal with pre-petition debt, only post-petition debt.
10. The CRP Agreement does not need to be included in the Debtor's Plan as it can/is paid outside the Plan.

WHEREFORE, Philadelphia Gas Works respectfully requests that this Court APPROVE the Debtors' Fifth Amended Chapter 13 Plan **only** if the language in Part 9 (H) is removed in its entirety and that the CRP Agreement is not addressed in Part §4(a) as it is paid outside the Plan directly to PGW/creditor.

Respectfully submitted,

PHILADELPHIA GAS WORKS

Dated: August 6, 2018

Respectfully submitted,

/s/ Pearl Pham

Pearl Pham

Senior Attorney

Philadelphia Gas Works

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CERTIFICATION OF SERVICE

I, Pearl Pham, attorney for Philadelphia Gas Works, hereby certify that a true and correct copy of the foregoing Philadelphia Gas Works' Objection to Debtors' Fifth Amended Chapter 13 Plan was served by the means designated below on the date set forth below, upon all parties including the following:

VIA ECF

Roger V. Ashodian, Esq.
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Jacqueline Chandler, Esq.
Chapter 13 Trustee
P.O. Box 1229
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215-627-1377

Dated: August 6, 2018

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